In the High Court of Punjab and Haryana at Chandigarh

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Criminal Misc. No.9252-M of 2007

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Date of decision:5.9.2007

Sukhjeet Singh

.....Petitioner

v.

State of Punjab

.....Respondent

....

Present: Mr. G.S. Bhatia, Advocate for the petitioner.

Mr. I.P.S. Sidhu, Senior Deputy Advocate General, Punjab for the respondent-State.

Mr. Sudhir Walia, Advocate for the complainant.

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S.S. Saron, J. (Oral)

Heard learned counsel for the parties at considerable length.

The petitioner seeks regular bail pending trial.

During the course of hearing, it has transpired that 55 witnesses were cited by the prosecution and 18 have been examined.

Learned counsel for the State, on instructions from ASI Surjit Singh, Police Station, Phillaur, has submitted that the prosecution would be examining about 10-12 witnesses more. In terms of the order dated 22.8.2007 passed by the learned trial Court it has been recorded that statement of PW Sharonjit Kaur has been completed which took about two and half hours. Besides, PW-18 was present and he was bound down for the next date. PWs mentioned at 23, 26, 27, 28 and 29 in the list of witnesses have been summoned for 5.10.2007. Therefore, evidently the

trial is going on and is at an advance stage.

Learned counsel for the petitioner has, however, vehemently contended that nothing is attributed to the petitioner from the evidence that has been recorded so far and even the material witnesses as against him have been examined.

Learned counsel for the State and the complainant have opposed the application and submitted that there is material on record to connect the accused with the commission of the crime. They have referred to the statement of PW-9 Santokh Singh who, it is stated, had submitted in Court that he recognized all the accused present in Court. Besides, it is submitted that the weapons that were used in the occurrence have been recovered from all the accused.

Learned counsel for the petitioner, however, has submitted that the weapons are not such which cannot be easily procured and, in fact, could be easily planted.

After giving my thoughtful consideration to the respective contentions of the learned counsel for the parties, it is appropriate to note that the petitioner is in custody since 29.12.2005, however, the case is also at a considerable advance stage. The case is already listed before the trial Court for 5.10.2007 and 9.10.2007. Five witnesses have been summoned for 5.10.2007 and one witness i.e. PW-18 has been bound down. That would leave about 5-7 witnesses more to be examined by the prosecution. Therefore, it would be just and expedient that the trial Court itself makes efforts to conclude the trial as expeditiously as possible and record the prosecution evidence preferably by the end of October 2007.

Learned counsel for the State has submitted that instructions have been given to ASI Surjit Singh, Police Station, Phillaur to ensure that all the witnesses are present on the dates fixed. Learned counsel for the petitioner has also submitted that the petitioner would not take any unnecessary adjournments.

In view of the above, the application for grant of bail is dismissed at this stage. However, the learned trial Court, as already noticed, shall make every effort and endeavour to conclude the prosecution evidence in the month of October 2007.

In case the prosecution evidence is not concluded because of any default on the part of the prosecution, the petitioner would be at liberty to move the trial Court itself for consideration for grant of bail.

September 5, 2007. **(S.S. Saron)**
Judge

hsp